

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FRED A. STEPHENS,)
Plaintiff,) CASE NO. C12-1067-RAJ-MAT
v.)
SGT. FREDRICKSON, et al.,) ORDER DENYING MOTION FOR
Defendants.) CONTEMPT AND ORDERING
) RESPONSE FROM DEFENDANTS

Plaintiff Fred A. Stephens proceeds *pro se* in this civil rights matter pursuant to 42 U.S.C. § 1983. He filed a Motion for Contempt of Court, alleging defendants' failure to comply with a Court Order directing the return of funds deducted from his prison account. (Dkt. 46.) Defendants did not respond to the motion. Now, having considered the motion, along with the balance of the record, the Court does hereby find and ORDER as follows:

(1) After the Court granted plaintiff's application to proceed *in forma pauperis* (IFP), a third party paid his filing fee. The Court, at plaintiff's request and by Order dated September 4, 2012, directed the agency having custody of plaintiff to return any funds deducted

01 from plaintiff's account as a result of the Court's Order Granting Application for Leave to
02 Proceed IFP and Directing Institution to Calculate, Collect, and Forward Payments (Dkt. 5),
03 and to cease any further deductions from plaintiff's account in relation to that Order. (Dkt.
04 19.) Plaintiff, in his motion for contempt, alleges the failure to return a deduction of \$15.70
05 from his account in accordance with the Court's Order. (Dkt. 46.) However, plaintiff fails to
06 set forth a basis for a finding of contempt. That is, the Court ordered the *agency* having
07 custody of plaintiff to return deducted funds. It did not order any conduct on the part of the
08 defendants. Accordingly, the Court DENIES plaintiff's motion for contempt (Dkt. 46).¹

09 (2) Although denying plaintiff's motion, the Court does find it appropriate to
10 reiterate its prior order. As previously indicated, the agency having custody of plaintiff should
11 return any deductions from plaintiff's account in relation to the Court's prior Order granting
12 plaintiff IFP status. The Court also finds that a response from defendants in relation to the
13 status of that Order would be helpful. Accordingly, defendants are hereby ORDERED to
14 update the Court, within **thirty (30) days** of the date of this Order, as to the status of the return
15 of funds deducted from plaintiff's account in association with his previous IFP status.

16 (3) The Clerk shall direct copies of this Order to the parties and to the Honorable
17 Richard A. Jones.

18 DATED this 20th day of February, 2013.

19
20 
21 Mary Alice Theiler
22 United States Magistrate Judge

22 1 The Court also takes this opportunity to remind plaintiff that the funds were properly
deducted from his account based on his filing of an application to proceed IFP.